

SENATE BILL 2317

By Kyle

AN ACT to amend Tennessee Code Annotated, Title 66,
Chapter 5, Part 2, relative to radon.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 66, Chapter 5, Part 2, is amended by adding the following language as a new, appropriately designated section:

66-5-214.

(a) As used in this section, unless the context otherwise requires:

(1) "Buyer" means a person negotiating or offering to acquire for value, legal or equitable title, or the right to acquire legal or equitable title, to residential real property;

(2) "Elevated radon concentration" means a radon concentration at or above the environmental protection agency's radon action level;

(3) "Mitigation" means measures designed to permanently reduce indoor radon concentrations;

(4) "Radon test" means a measurement of indoor radon concentrations according to established industry standards for residential real property; and

(5) "Seller" means a person who owns legal or equitable title to residential real property.

(b) Except as otherwise provided in subsections (c) and (d), a seller shall, before entering into a contract with a buyer, disclose in writing to the buyer the following:

(1) Whether a radon test or tests have occurred on the real property;

(2) The most current records and reports pertaining to radon concentrations within the dwelling;

(3) A description of any radon concentrations, mitigation, or remediation;

(4) Information regarding any radon mitigation system that has been installed in the dwelling;

(5) A radon warning statement meeting the requirements of subsection (e); and

(6) Any other information known to the seller regarding the presence of radon in the dwelling.

(c) A seller is not required to provide the disclosure required by subsection (b) for any exempt property transfer identified in § 66-5-209.

(d) A seller may satisfy the disclosure requirements of subsection (b) by providing a written disclosure to a licensed real estate broker or affiliate broker representing or assisting a prospective buyer. If a written disclosure is provided to a licensed real estate broker or affiliate broker representing or assisting a prospective buyer, the licensed real estate broker or affiliate broker shall provide a copy of the disclosure to the prospective buyer.

(e) A radon warning statement shall include the following language:

RADON WARNING STATEMENT

Homebuyers are strongly encouraged to have an indoor radon test performed prior to purchase or taking occupancy, and are encouraged to have radon mitigated if elevated radon concentrations are found. Elevated radon concentrations can easily be reduced by a qualified radon mitigator.

Each buyer of any interest in residential real property is notified that the property may present exposure to dangerous levels of indoor radon gas that may place the occupants at risk of developing radon-induced lung cancer. Radon, a Class A human carcinogen, is a

cause of lung cancer in nonsmokers. The seller of any interest in residential real property is required to provide the buyer with any information known to the seller with respect to the presence of radon in the dwelling.

(f) If a seller makes a material misrepresentation on a disclosure provided to a buyer pursuant to this section, the buyer is entitled to any remedy afforded to the buyer pursuant to § 66-5-208.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to contracts to sell or transfer an interest in residential real property executed on or after the effective date of this act.